



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,187	11/09/1999	RYOJI YAMAGUCHI	01489/P-1730	2304

52349 7590 02/04/2010
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER

JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
----------	--------------

2621

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

02/04/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com
coa@wenderoth.com

Office Action Summary	Application No. 09/380,187	Applicant(s) YAMAGUCHI ET AL.	
	Examiner HEATHER R. JONES	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10, 12-17 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 10, 15 and 21 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6, 7, 12-14, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 1999 and 13 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 18, 2009 has been entered.

Response to Arguments

2. Please note the change in examiner. All future correspondence should be directed to Heather R. Jones whose information is provided at the end of this office action.
3. Applicant's arguments filed June 18, 2009 have been fully considered but they are not persuasive.

The Applicant argues that in the previous action the Examiner believed that an explicit claim recitation of the nature of the predetermined data could overcome the cited prior art rejection, and therefore, the Applicant believes that the amendment to claim 1 is enough to overcome the prior art references and is therefore allowable. The new Examiner respectfully disagrees. The Examiner feels that the amendment to claim 1 merely recites the same limitations in a different order and does not add any new patentable material. Furthermore, the Examiner is willing to discuss this case with the Applicant in order further

prosecution and to ensure that the Examiner and the Applicant have the same understanding of the rejection and the Applicant's invention.

The Applicant argues that Fujinami et al. does not disclose or suggest the use of a data formatter that is operable to (i) output, when a sequence of input code is judged not to be a part of a packet start code but to be a part of a particular sequence of coded data, said part of the particular sequence of coded data in accordance with matching status information output by a matching status information outputter, and (ii) not to output, when the sequence of input code is judged to be a part of the packet start code, said part of the packet start code.

The new Examiner respectfully disagrees and agrees with the previous Examiner. Since the invention of Fujinami et al. explicitly discloses separating the various headers from the signal stream, it clearly determines whether the data it is analyzing is part of a start code or not. Also, since Fujinami explicitly discloses routing those headers to the control circuits, it clearly does not output that data when it is judged to be a part of the packet start code. Furthermore, the term output has been read to mean that the data is output from the apparatus, as in the video will be outputted to the viewer, but the input code that is judged to be part of the packet start code is kept within the apparatus. As requested by the Applicant, the Examiner is defining the header separation circuit 22 of Fujinami to correspond to both of the claimed 'matching status information outputter' and 'data formatter'; and the 'matching status information' is inherent in determining

whether or not to output the data in the header separation circuit 22. Therefore, Fujinami et al. meets the claimed limitations and the rejection is maintained.

The Applicant argues that neither Fujinami et al. in view of Hashimoto et al. discloses a packet start code composed of fixed data. The Examiner respectfully disagrees. Fujinami et al. discloses in col. 2, lines 1-5 a Packet_Start_Code_Prefix which consists of 24 bits, thereby being fixed. Therefore, Fujinami et al. meets the claimed limitation and the rejection is maintained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 10, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujinami et al (5,568,274) and further in view of Hashimoto et al (JP 05-110575).

Regarding claim 1, Fujinami et al. disclose a coded signal reproduction apparatus for reproducing coded data included in a plurality of packets, wherein a packet start code composed of fixed data which indicates a packet boundary between a subsequent packet is placed at a head portion of each packet (col. 2, lines 1-5 - "The entry packet begins with a Packet_Start_Code_Prefix"), said coded signal reproduction apparatus comprising: a matching status information

Art Unit: 2621

outputter operable to detect whether a sequence of input code is a part of the packet start code, and to output the detection result as matching status information (col. 15, lines 13-16 - "The header separation circuit 22 in the separation circuit 21 separates pack headers, packet headers and entry packets from the signal read out from the DSM 10 and supplies them to the control circuit 24"); and a data formatter operable to (i) output, when the sequence of input code is judged not to be part of the packet start code but to be a part of a particular sequence of coded data, said part of the particular sequence of coded data in accordance with the matching status information output by said matching status information outputter (col. 15, lines 13-16 - "The header separation circuit 22 in the separation circuit 21 separates pack headers, packet headers and entry packets from the signal read out from the DSM 10 and supplies them to the control circuit 24"), and (ii) not to output, when the sequence of input code is judged to be a part of the packet start code, said part of the packet start code (col. 15, lines 16-18 - "The remaining time-division multiplexed signal is supplied to the input terminal G of the switching circuit 23"). Fujinami et al. disclose a sequence of coded data and the packet start code having similar patterns as discussed in a previous Office Action, but does not explicitly disclose the particular sequence of coded data and the packet start code having the same prefix code consisting of plural bytes.

Referring to the Hashimoto et al. reference, Hashimoto et al. discloses a multiplex transmission scheme wherein the same prefix code having multiple

bytes is sensed by a matching status information outputter (Paragraph 0011 "Even if the special code a and identical codes of SOM continue after SOM, the above-mentioned bit pattern b is a rising edge of the above-mentioned bit pattern b, and it is arranged so that each major node may retake a synchronization and can prevent a synchronous gap"). As taught by Hashimoto et al., the ability to determine a packet start code from other code having the same prefix code is well known, and prevents decoding errors.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fujinami et al. in order to provide the ability to detect sequence codes having the same prefix code consisting of plural bytes as disclosed by Hashimoto et al. in order to prevent decoding errors.

Regarding claim **10**, Fujinami et al. in view of Hashimoto et al. discloses all the limitations as previously discussed in claim 1 including that the sequence of input code is a coded and multiplexed signal in which audio, video, and reproduction information annexed thereto are multiplexed (Fujinami et al.: Fig 13 shows audio and video signals multiplexed into a data stream, and Fig 14 shows several reproduction information data in the same stream).

Regarding claim **21**, Fujinami et al. in view of Hashimoto et al. discloses all the limitations as previously discussed in claim 1 including that the matching status information outputter includes a head code detection unit operable to receive the sequence of input code in units of a predetermined bit length (Fujinami et al.: col. 15, lines 13-16 - "The header separation circuit 22 in the

Art Unit: 2621

separation circuit 21 separates pack headers, packet headers and entry packets from the signal read out from the DSM 10 and supplies them to the control circuit 24"; col. 2, lines 7-8 - "The Packet_length (16 bits) indicates the length of the packet following it"), and to determine whether a current input code of the sequence of input code matches a current code of the packet start code (Fujinami et al.: col. 12, lines 36-39 - "The entry packet begins with a Packet_Start_Code_Prefix, followed by a stream_ID of 0xBF in hexadecimal notation, and the length of the packet"; col. 12, lines 44-47 - "Following the ****_id, the ****_packet_type is disposed, which identifies the packet type from among the private packet types belonging to the identified party").

6. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujinami et al. in view of Hashimoto et al. as applied to claim 1 above, and further in view of Toyohara (5,768,265).

Regarding claim 5, Fujinami et al. in view of Hashimoto et al. discloses all the limitations as previously discussed in claim 1 as well as the apparatus further comprising a header analyzer operable to analyze the header of the packet to output reproduction information when the input code sequence is coded video data (Fujinami et al.: col. 3, lines 12-15 - "The header separation circuit 22 supplies the headers to the control circuit 24, and supplies the multiplexed signal to the input terminal G of the switching circuit 23"). However, Fujinami et al. and Hashimoto et al. are both silent on the topic of effectiveness of the data.

Referring to the Toyohara reference, Toyohara discloses a data format means that inserts the reproduction information together with information indicating effectiveness of the reproduction information, in a predetermined position in the decoded video data (col. 8, lines 39-41 - "the identifier discriminating circuit 410 analyses the identifier attached to the respective data to identify the effectiveness of the data"). As taught by Toyohara, effectiveness data lessens the burden on the processor by identifying packets that need not be decoded.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fujinami et al in order to provide effectiveness data to the decoder.

Regarding claim **15**, Fujinami et al. in view of Hashimoto et al. in view of Toyohara discloses all the limitations as previously discussed in claims 1 and 5 includes the sequence of input code is a coded and multiplexed signal in which audio, video, and reproduction information annexed thereto are multiplexed (Fujinami et al.: Fig 13 shows audio and video signals multiplexed into a data stream, and Fig 14 shows several reproduction information data in the same stream).

Allowable Subject Matter

7. Claims 2-4, 6-7, 12-14, 16, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/380,187
Art Unit: 2621

Page 10

Heather R Jones
Examiner
Art Unit 2621

HRJ
January 30, 2010

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621